



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-06022024-251828
CG-DL-E-06022024-251828

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, सोमवार, फरवरी 5, 2024/ माघ 16, 1945 (शक)
No. 5] NEW DELHI, MONDAY, FEBRUARY 5, 2024/MAGHA 16, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill has been introduced in the Rajya Sabha on the 5th February, 2024:—

BILL NO. XIX OF 2024

*A BILL further to amend the Constitution (Scheduled Castes) Order, 1950
and the Constitution (Scheduled Tribes) Order, 1950 to modify the list of
Scheduled Castes and Scheduled Tribes in relation to the State of Odisha.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2024. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

C.O. 19. (a) “Scheduled Castes Order” means the Constitution (Scheduled Castes) Order, 1950;

C.O. 22. (b) “Scheduled Tribes Order” means the Constitution (Scheduled Tribes) Order, 1950.

3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule. Amendment of Scheduled Castes Order.

4. The Scheduled Tribes Order is hereby amended in the manner and to the extent specified in the Second Schedule. Amendment of Scheduled Tribes Order.

THE FIRST SCHEDULE

(See section 3)

In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, in PART XIII.— C.O. 19.
Odisha, entries 87 and 88 shall be omitted.

THE SECOND SCHEDULE

(See section 4)

C.O. 22. In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in PART XII.—*Orissa*,—

(a) for "PART XII.—*Orissa*", the following shall be substituted, namely:—

"PART XII.—*Odisha*";

(b) for entry 6, the following entry shall be substituted, namely:—

"6. Bhuiya, Bhuyan, Pauri Bhuyan, Paudi Bhuyan";

(c) in entry 8, after "Talaria Bhumij", the following shall be inserted, namely:—

", Tamodia Bhumij, Tamudia Bhumij, Tamundia Bhumij, Tamulia Bhumij, Tamadia Bhumij, Tamadia, Talaria, Tamudia";

(d) for entry 9, the following entry shall be substituted, namely:—

"9. Bhunjia, Chuktia Bhunjia";

(e) in entry 13, after "Banda Paroja", the following shall be inserted, namely:—

", Banda Paraja, Bonda Paraja, Bondo, Bonda, Banda";

(f) for entry 17, the following entry shall be substituted, namely:—

"17. Dharua, Dhuruba, Dhurva, Durua, Dhurua, Dhurava";

(g) in entry 28, after "Kanwar", the following shall be inserted, namely:—

", Kaur, Kunwar, Kaonr, Kuanr, Konwar, Kuanar, Kaanr, Koanr, Kuanwar";

(h) for entry 31, the following entry shall be substituted, namely:—

"31. Khond, Kond, Kandha, Kandha Kumbhar, Nanguli Kandha, Sitha Kandha, Kondh, Kui, Kui (Kandha), Buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondh, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khond";

(i) in entry 47, after "Mankidi", the following shall be inserted, namely:—

", Mankidia";

(j) in entry 53, after "Uran", the following shall be inserted, namely:—

", Uram, Oram, Uraon, Dhangara, Oraon Mudi";

(k) in entry 55, after "Solia Paroja", the following shall be inserted, namely:—

", Bareng Jhodia Paroja, Penga Paroja, Pengu Paroja, Porja, Selia Paroja";

(l) in entry 57, after "Rajuar", the following shall be inserted, namely:—

", Rajual, Rajuad";

(m) in entry 59, after "Vesu Saora", the following shall be inserted, namely:—

", Saara";

(n) after entry 62, the following entries shall be inserted, namely:—

"63. Muka Dora, Mooka Dora, Nuka Dora, Nooka Dora (in undivided Koraput district which includes Koraput, Nowrangapur, Rayagada and Malkangiri districts)

64. Konda Reddy, Konda Reddi".

STATEMENT OF OBJECTS AND REASONS

Scheduled Castes have been defined in clause (24) of article 366 of the Constitution as "such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution."

Scheduled Tribes have been defined in clause (25) of article 366 of the Constitution as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution."

2. Articles 341 and 342 of the Constitution provide as under:—

"341. Scheduled Castes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

3. According to the provisions of articles 341 and 342 of the Constitution, the first list of the Scheduled Castes and the Scheduled Tribes were notified during the year 1950 in respect of various States and Union territories, vide the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, respectively. These lists were modified from time to time. List of Scheduled Tribes of the State of Odisha has been modified, vide, the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2002 (10 of 2003).

4. The State Government of Odisha has recommended for inclusion of four Particularly Vulnerable Tribal Groups (PVTGs) in their own names in the list of Scheduled Tribes in respect to the State of Odisha, as under:—

- (i) Pauri Bhuyan, Paudi Bhuyan as synonyms of Bhuiya, Bhuyan at Sl. No. 6;
- (ii) Chuktia Bhunjia as synonym of Bhunjia at Sl. No. 9;
- (iii) Bondo as sub-entry under Scheduled Tribes "Bondo Poraja, Bonda Paroja, Banda Paroja" at Sl. No.13; and
- (iv) Mankidia as synonym of Scheduled Tribe "Mankirdia" at Sl. No. 47.

5. The State Government of Odisha has also recommended to omit two community names listed as Scheduled Castes namely, (i) Tamadia at Sl. No. 87 and (ii) Tamudia at Sl. No. 88 from the list of Scheduled Castes and to include the said community names in the Scheduled Tribes list in respect of the State of Odisha, as under:—

"Tamadia, Tamaria, Tamudia, Tamodia Bhumij, Tamudia Bhumij, Tamundia

Bhumij, Tamulia Bhumij, Tamadia Bhumij", as a sub-entry under main entry "Bhumij" at Sl. No. 8.

6. The State Government of Odisha has also recommended for inclusion of communities which have phonetic variations of the communities in the existing list of Scheduled Tribes, as under:—

(i) Banda Paraja, Bonda Paraja, Bonda, Banda as sub-entry under Schedule Tribes "Bondo Paraja, Bonda Paroja, Banda Paroja" at Sl. No. 13;

(ii) Durua, Dhurua, Dhurava as subsect of Dharua, Dhuruba, Dhurva at Sl. No. 17;

(iii) Kaur, Kunwar, Kaonr, Kuanr, Konwar, Kuanar, Kaanr, Koanr, Kuanwar as synonym of Scheduled Tribes "Kawar, Kanwar" at Sl. No. 28;

(iv) Inclusion of Kui (Kandha) as a new sub-entry under the Scheduled Tribe Khond and Kandha Kumbhar community as a subsect of Kandha Scheduled Tribe at Sl. No. 31;

(v) Uram, Oram, Uraon, Dhangara and Oraon Mudi communities as synonyms of Oraon listed at Sl. No. 53;

(vi) Bareng Jhodia Paroja, Penga Paroja, Pengu Paroja, Porja, Selia Paroja, as synonym of Scheduled Tribe Paroja at Sl. No. 55;

(vii) Rajual, Rajuad as synonym of Scheduled Tribe Rajuar at Sl. No. 57;

(viii) Saara as synonym under Saora, Savar, Saura, Sahara, etc. at Sl. No. 59.

7. The State Government of Odisha has also recommended for inclusion of communities as new entry, as under:—

(i) Muka Dora, Mooka Dora, Nuka Dora, Nooka Dora with area restriction (in undivided Koraput District which includes Koraput, Nowrangapur, Rayagada and Malkangiri districts) at Sl. No. 63;

(ii) Konda Reddy, Konda Reddi at Sl. No. 64.

8. On the basis of recommendation of the State Government of Odisha and after consultation with the Registrar General of India and the National Commission for Scheduled Tribes and National Commission for Scheduled Castes, it is proposed to modify the lists of Scheduled Castes and Scheduled Tribes in respect of the State of Odisha by amending the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950.

9. The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2024 proposes to amend the Constitution (Scheduled Castes) Order, 1950, in the Schedule in PART XIII.-Odisha and the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in PART XII.—Orissa,—

(A) In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, in PART XIII.—Odisha, entries 87 and 88 shall be omitted;

(B) (a) for PART XII.—Orissa, the following shall be substituted, namely:—
"PART XII.—Odisha";

(b) for entry 6, the following entry shall be substituted, namely:—

"6. Bhuiya, Bhuyan, Pauri Bhuyan, Paudi Bhuyan";

(c) in entry 8, after "Tamaria Bhumij", the following entry shall be inserted, namely:—

"Tamodia Bhumij, Tamudia Bhumij, Tamundia Bhumij, Tamulia Bhumij, Tamadia Bhumij, Tamadia, Tamaria, Tamudia";

(d) for entry 9, the following entry shall be substituted, namely:—

"9. Bhunjia, Chuktia Bhunjia";

(e) in entry 13, after "Banda Paroja", the following entry shall be inserted, namely:—

"Banda Paraja, Bonda Paraja, Bondo, Bonda, Banda";

(f) for entry 17, the following entry shall be substituted, namely:—

"17. Dharua, Dhuruba, Dhurva, Durua, Dhurua, Dhurava";

(g) in entry 28, after "Kanwar", the following entry shall be inserted, namely:—

"Kaur, Kunwar, Kaonr, Kuanr, Konwar, Kuanar, Kaanr, Koanr, Kuanwar";

(h) in entry 31, the following entry shall be substituted, namely:—

"31. Khond, Kond, Kandha, Kandha Kumbhar, Nanguli Kandha, Sitha Kandha, Kondh, Kui, Kui (Kandha), Buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondh, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khond";

(i) in entry 47, after "Mankidi", the following shall be inserted, namely:—

"Mankidia";

(j) in entry 53, after "Uran", the following shall be inserted, namely:—

"Uram, Oram, Uraon, Dhangara, Oraon Mudi";

(k) in entry 55, after "Solia Paroja", the following shall be inserted, namely:—

"Bareng Jhodia Paroja, Penga Paroja, Pengu Paroja, Porja, Selia Paroja";

(l) in entry 57, after "Rajuar", the following shall be inserted, namely:—

"Rajual, Rajuad";

(m) in entry 59, after "Vesu Saora", the following shall be inserted, namely:—

"Saara";

(n) after entry 62, the following shall be inserted, namely:—

"63. Muka Dora, Mooka Dora, Nuka Dora, Nooka Dora (in undivided Koraput District which includes, Koraput, Nowrangapur, Rayagada and Malkangiri districts)

64. Konda Reddy, Konda Reddi".

10. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 2nd February, 2024.

ARJUN MUNDA.

FINANCIAL MEMORANDUM

The Bill seeks to amend the lists of Scheduled Castes and Scheduled Tribes in the State of Odisha by amending the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950. The amendment in the lists of Scheduled Castes and Scheduled Tribes relating to the State of Odisha may entail some additional recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to the communities proposed in the Bill under the continuing schemes meant for the welfare of the Scheduled Tribes.

2. It is not possible to estimate the likely additional expenditure to be incurred on this account at this stage. However, the expenditure, if any, shall be accommodated within the approved budgetary outlay of the Government.

P.C. Mody,
Secretary-General.